

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR BARBERS AND COSMETOLOGY**

**Re: Tuyet Suong Thi Nguyen
Newport News, VA 23608**

**File Number 2008-00783
License Number 1206016890**

CONSENT ORDER

Respondent Tuyet Suong Thi Nguyen ("Nguyen") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Barbers and Cosmetology ("Board"), as well as by all other applicable Virginia laws.

Nguyen knowingly and voluntarily waives any proceedings for this matter under the Administrative Process Act, §§ 2.2-4019, 2.2-4020, and 2.2-4021 of the 1950 Code of Virginia, as amended.

Board's Regulations provides:

18 VAC 41-20-280 Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

- A. The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or permit holder, and to suspended or evoke or refuse to renew or reinstate any license, certificate or permit, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:**
- 3. The license, certificate holder, permit holder or applicant obtained, renewed or reinstated a license, certificate, or permit by false or fraudulent representation.**

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

By signing this Consent Order, Nguyen acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Nguyen consents to the following term(s):

Count 1:	18 VAC 41-20-280	\$0,000.00
SUB-TOTAL (MONETARY PENALTIES)		\$0.00
BOARD COSTS		\$0.00
TOTAL		\$0.00

In addition, for violation of Count 1, Nguyen agrees to license revocation. Further, for violation of Count 1, Nguyen agrees to return the license with the signed Consent Order


Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Nguyen acknowledges any monetary penalty and/or costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Nguyen will be responsible for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Nguyen acknowledges that failure to pay any monetary penalty or costs and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Nguyen's license until such time as there is compliance with all terms of this Order. Tuyet Suong Thi Nguyen understands the right to have this automatic suspension considered in an informal conference pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

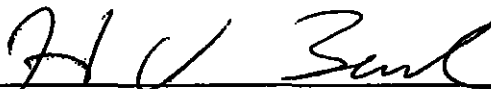
The undersigned represents and affirms that he/she has the authority to legally bind Tuyet Suong Thi Nguyen, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that Tuyet Suong Thi Nguyen, shall be bound by its terms and conditions.

 MAY 6 2008
Signature Date

TUYET SUONG THI NGUYEN
Printed Name and Title

WITNESSED BY:

The individual named above signed this document in my presence.

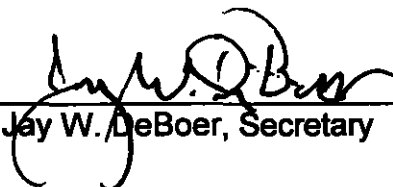
 05-06-08
Witness Signature Date

HUNG QUAN Bai
Printed Name and Title

SO ORDERED:

Entered this 28th day of July, 2008.

Board for Barbers and Cosmetology

BY: 
Jay W. DeBoer, Secretary

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VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION

REPORT OF FINDINGS

BOARD: Board for Barbers and Cosmetology
DATE: April 1, 2008

FILE NUMBER: 2008-00783
RESPONDENT: Tuyet Suong Thi Nguyen
LICENSE NUMBER: 1206016890
LICENSE TYPE: Cosmetology Nail Technician
EXPIRATION: August 31, 2008

COMMENTS:

The Commonwealth of Pennsylvania is conducting an investigation to determine how fraudulent Certifications of License were issued.

Tuyet Suong Thi Nguyen was at all times material to this matter a regulant of the Virginia Board for Barbers and Cosmetology ("the Board").

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On or about January 2007, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received information from Zelda Dugger, Board administrator, regarding Tuyet Suong Thi Nguyen obtaining a license from the Board by submitting a fraudulent Pennsylvania Certificate of License as part of the application. (Exh. C-1)

1. **Board Regulation**

18 VAC 41-20-280. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or permit holder, and to suspend or revoke or refuse to renew or reinstate any license, certificate, or permit, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:

3. The licensee, certificate holder, permit holder or applicant obtained, renewed or reinstated a license, certificate, or permit by false or fraudulent representation

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.

FACTS:

Tuyet Suong Thi Nguyen submitted to the Board an application for a Cosmetology Nail Technician license by endorsement. Attached to the application was a Certification of License from the Commonwealth of Pennsylvania State Board of Cosmetology, purportedly showing Tuyet Suong Thi Nguyen was licensed in Pennsylvania and was in good standing. Based in part on the certification from Pennsylvania, the Board issued Tuyet Suong Thi Nguyen a license (license number 1206016890) pursuant to 18 VAC 41-20-30. (Exh. C-1)

According to information received from the Commonwealth of Pennsylvania State Board of Cosmetology, Tuyet Suong Thi Nguyen did not hold a valid license in Pennsylvania, nor did Pennsylvania have any record of issuing a Certification of License for Tuyet Suong Thi Nguyen (Exh. C-1)